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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/535,979	03/27/2000	Tomasz Duczmal	856.1043	4057

21171 7590 09/22/2004

STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER

NGUYEN, NHON D

ART UNIT	PAPER NUMBER
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2179

DATE MAILED: 09/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/535,979

Applicant(s)

DUCZMAL ET AL.

Examiner

Nhon (Gary) D Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 6-9 and 11-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 6-9, and 11-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This communication is responsive to amendment filed 05/10/2004.
2. Claims 1, 6-9, and 11-16 are pending in this application. Claims 1 and 11 are independent claims. In the amendment, claims 12-16 are amended. This action is made non-final.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 6-9, and 11-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hunter (US 6,430,605) in view of Binder (US 6,513,052).

As per independent claim 1, Hunter teaches a system for dynamic display of advertising material, comprising:

a plurality of input sources for receiving scheduling information and advertising material in the form of at least one image object for scheduling display of said advertising material during an allocated time slot (col. 3, lines 43-65);

a database for storing said at least one image object; a server for managing said advertising material in accordance with said scheduling information (col. 3, lines 53-58); and

at least one billboard located in a public space accessible by the public for displaying to the public said at least one image object during said allocated time slot (col. 3, lines 31-42).

Hunter teaches prior to expiry of said allocated time slot, *the server triggering a communication session with the billboard* to upload and display a further image object during a respective further time slot (col. 3, line 43 – col. 4, line 12). However, Hunter does not disclose *the billboard triggers a communication session with the server* to upload and display image object during a respective further time slot. A client schedules to trigger communication sessions with a server to download or upload data is well known in the client-server computer art. Binder teaches a client computer automatically trigger, by a scheduling mechanism, a communication session with a storage server for archiving data over the Internet (col. 5, lines 8-22). It would have been obvious to an artisan at the time of the invention to use the teaching from Binder of triggering communication sessions with a server by a client in Hunter's system since it would allow the clients actively control the flow of the transferring data.

As per claim 6, which is dependent on claim 1 Hunter teaches the server comprises: a distribution engine for uploading said scheduling information and said advertising material from said plurality of input sources, for managing said advertising material and for providing said advertising material to said at least one display location (col. 4, lines 4-12); and

Since the *Review Schedule and Purchase Time* module (60 of fig. 1) schedules the advertising time slot (col. 3, lines 53-58), it is inherent that the *Review Schedule and Purchase Time* module has a slot allocator for monitoring said scheduling of said display.

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As per claim 7, which is dependent on claim 6, Hunter teaches the server further comprises: a transaction system for enabling payment, cancellations and status checking (col. 3, lines 47-50 and col. 5, lines 32-34).

As per claim 8, which is dependent on claim 1, it is inherent in Hunter's system that the server further comprises a monitoring system for providing a view of said advertising material, allocated to a display location, to at least one of said plurality of input sources.

As per claim 9, which is dependent on claim 7, Hunter teaches the server further comprises:

a location identifier for providing description, statistical and technical information concerning said at least one display location to at least one of said plurality of input sources (col. 4, line 47 – col. 5, line 34).

As per independent claim 11, Hunter teaches a method for dynamic display of advertising, comprising:

accessing a server, via said network, to retrieve available time slots associated with at least one billboard; selecting a time slot from said available time slots for displaying advertising material (col. 3, lines 53-58);

storing said advertising material in a database (col. 3, lines 53-58);

uploading said advertising material from said database to said billboard prior to occurrence of said selected time slot (col. 3, lines 43-65);

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displaying said advertising material to the public at said billboard located in a public space accessible by the public when said timeslot occurs (col. 3, lines 31-42); and

Hunter teaches prior to expiry of said allocated time slot, *the server triggering a communication session with the billboard* to upload and display a further image object during a respective further time slot (col. 3, line 43 – col. 4, line 12). However, Hunter does not disclose *the billboard triggers a communication session with the server* to upload and display image object during a respective further time slot. A client schedules to trigger communication sessions with a server to download or upload data is well known in the client-server computer art. Binder teaches a client computer automatically trigger, by a scheduling mechanism, a communication session with a storage server for archiving data over the Internet (col. 5, lines 8-22). It would have been obvious to an artisan at the time of the invention to use the teaching from Binder of triggering communication sessions with a server by a client in Hunter's system since it would allow the clients actively control the flow of the transferring data.

As per claims 12 and 13, which are dependent on claims 11 and 12 respectively, Hunter teaches the step of searching for a billboard before said step of selecting a time slot from said available time slots and further comprising the step of retrieving billboard location data after said step of searching for a billboard location (col. 3, lines 53-58).

As per claim 14, which is dependent on claim 11, Hunter teaches the step of checking said advertising material for technical integrity before said step of storing said advertising material in "said" database (col. 4, lines 4-12).

As per claims 15-16, Hunter teaches the step of performing financial transactions before said step of uploading said advertising material (col. 3, lines 53-63), wherein the step of performing financial transactions comprises the steps of calculating transaction fees and aggregating airtime information (col. 4, line 47 – col. 5, line 34).

Response to Arguments

5. Applicant's arguments with respect to claims 1, 6-9, and 11-16 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhon (Gary) D Nguyen whose telephone number is 703-305-8318 or (571)272-4139 (starting 10/20/2004). The examiner can normally be reached on Monday - Friday with every other Monday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather R Herndon can be reached on (703)308-5186 or (571)272-4136 (starting 10/20/2004). The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nhon (Gary) Nguyen
September 17, 2004

BA HUYNH
PRIMARY EXAMINER